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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number: 16104-010001
	Application Number 10/675,919	Filed September 30, 2003
	First Named Inventor Udo Klein et al.	
	Art Unit 2173	Examiner Noble S. Wong

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below'.

☒ Total of 5 pages (in addition to this form) are submitted with the Notice of Appeal.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Udo Klein et al.	Art Unit	: 2173
Serial No.	: 10/675,919	Examiner	: Noble S. Wong
Filed	: September 30, 2003	Conf. No.	: 2088
Title	: SUCCESSIVELY DISPLAYING PANELS IN A COMPUTER USER INTERFACE		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Pursuant to United States Patent and Trademark Office OG Notices: 12 July 2005 - New Pre-Appeal Brief Conference Pilot Program, a request for a review of identified matters on appeal is hereby submitted with the Notice of Appeal. Review of these identified matters by a panel of examiners is requested because the rejections of record are clearly not proper and are without basis, in view of a clear legal or factual deficiency in the rejections. All rights to address additional matters on appeal in any subsequent appeal brief are hereby reserved.

Claims 1-18 are currently pending, of which claims 1 and 15 are independent. Claims 1-5, 8, 12-16 and 18 stand rejected as being anticipated by U.S. Patent No. 6,243,088 (McCormack). Claims 6 and 7 stand rejected as being unpatentable over McCormack in view of U.S. Patent No. 6,243,088 (Ulder). Claims 9, 10 and 17 stand rejected as being unpatentable over McCormack in view of U.S. Patent No. 6,341,359 (Aiken). Claim 11 stands rejected as being unpatentable over McCormack in view of Microsoft (Windows XP, Microsoft Support Article, ID #320168).

Applicant respectfully requests withdrawal of all of these rejections. Applicant specifically asks the panel to review the issues highlighted below.

1. McCormack, which discloses navigating a series of display panels through the use of next, previous, cancel and site buttons, does not describe or suggest the subject matter of claims 1 and 15, which are directed to successively displaying panels in a computer user interface that includes ceasing to display the first panel and displaying the second panel *using one of the at least two different settings by which more of the navigation controls remain unchanged from the first setting*.

Claim 1 is directed to a method of successively displaying panels in a computer user interface. The method includes displaying a first panel of a plurality of panels in a computer user interface. Each of the panels includes different information. The computer user interface has navigation controls by which a user can navigate to any one of the panels to access its information. A first setting of the navigation controls causes the first panel to be displayed. The method also includes receiving a user input requesting access to information on a second panel in the computer user interface. There are at least two different settings of the navigation controls that will cause the second panel to be displayed. The method further includes ceasing to display the first panel and displaying the second panel using one of the at least two different settings by which more of the navigation controls remain unchanged from the first setting.

McCormack, by contrast, discloses a common method of navigating a series of display panels through the use of next, previous, cancel and site buttons. See McCormack at col. 5, line 66 to col. 7, line 5. McCormack discloses use of next and previous buttons to enable a user to display a panel that is next in a sequence of panels (by selecting a next button) or re-display a panel that was displayed immediately previously to the panel currently being displayed and having the "previous button" that was selected, respectively. See McCormack at col. 6, lines 28-42. McCormack also discloses "tasks" that correspond to menu selections on a main screen such that selection of a task controls the sequence of panels that are presented. See McCormack at col. 5, line 65 to col. 6, line 6 (referring to FIG. 2). The same panel may be accessed in the panel sequence of different tasks. See McCormack at col. 6, lines 7-21 (referring to FIG. 2).

McCormack also discloses that "[w]hen a panel belongs to the panel sequence of more than one task, the panel that is 'next' may vary based on which panel sequence the user is following (i.e. which task is being performed)." See McCormack at col. 6, lines 51-54. As such, McCormack indicates that the panel sequence (or task) being executed controls the display of a subsequent panel.

McCormack further discloses that the "[s]election of the cancel button 254 causes the software application to cease displaying the current panel and to return to displaying the main screen 202 [and discarding] all of the information entered through the panels in the panel

sequence." See McCormack at col. 6, lines 55-60. As such, McCormack indicates display of the main screen in response to selection of a cancel button. With regard to the site button, McCormack discloses that the "[s]election of the site button 256 causes user-specified functionality to be invoked." See McCormack at col. 6, lines 61-62. McCormack indicates that a use of the site button enables customization of the panel sequence provided by the software application developer. See McCormack at col. 7, lines 2-5.

The action indicates that McCormack's next, previous and cancel buttons correspond to the claimed navigation controls. See action at page 2, lines 16-18 and 22-23. As best understood, the action seems to indicate that McCormack's tasks correspond to the claimed settings of the navigation controls. See action at page 2, lines 18-19 (stating "wherein a first setting (i.e. task 230 then next button 250) of the navigation controls") and lines 22-23.

Assuming only for the sake of argument that the correspondence to the claimed elements drawn by the action is correct, McCormack does not describe or suggest "ceasing to display the first panel and displaying the second panel *using one of the at least two different settings by which more of the navigation controls remain unchanged from the first setting*," as recited by claim 1. As required by antecedent basis of claim 1, "the at least two different settings" refers to "there being at least two different settings of the navigation controls that will cause the second panel to be displayed." Although McCormack discloses that the task being executed controls which panel is displayed and McCormack discloses that some or all of the navigation buttons are present on "some or all of the panels associated with tasks 230, 232 and 234,"see McCormack at col. 6, lines 24-27, McCormack does not describe or suggest ceasing to display the first panel and displaying the second panel using one of the tasks (said to correspond to a setting of the navigation control) by which more of the navigation buttons (i.e., next, previous or cancel and said to correspond to navigation controls) remain unchanged from a different task. As such, McCormack does not describe or suggest "ceasing to display the first panel and displaying the second panel *using one of the at least two different settings by which more of the navigation controls remain unchanged from the first setting*," as recited by claim 1.

The final action maintained these rejections. In response to applicant's arguments, the final action indicates that McCormack discloses two paths that can be traversed from the main screen to panel 210. See final action at page 10, line 12 to page 11, line 2 (indicating one path from the main screen 202 through task 230 using the next button 250 and indicating another path from the main screen to panel 210 using task 230 or 232). The final action also indicates that "more of the navigation controls remain unchanged from the first setting." See final action at page 11, lines 2-4 (citing McCormack at col. 6, lines 22-27). The cited portion of McCormack states:

> In FIG. 2, for the purpose of explanation, panel 210 is shown with a next button 250, a previous button 252, a cancel button 254 and a site button 256. According to one embodiment, these or similar user interface objects are on some or all of the panels associated with tasks 230, 232 and 234.

McCormack at col. 6, lines 22-27. As such, McCormack merely discloses two paths that can be traversed from the main screen to panel 210 and that similar buttons can be on some or all of the panels. Accordingly, McCormack does not describe or suggest "ceasing to display the first panel and displaying the second panel *using one of the at least two different settings by which more of the navigation controls remain unchanged from the first setting*," as recited by claim 1.

Similarly to claim 1, independent claim 15 also recites "ceasing to display the first panel and display the second panel using one of the at least two different settings by which more of the navigation controls remain unchanged from the first setting" and does so in the context of a computer program product.

Therefore, for at least the reasons described above and the reasons presented in applicant's prior reply, applicant respectfully submits that the rejection of independent claims 1 and 15 and their respective dependent claims 2-5, 8, 12-14, 16 and 18 is improper and should be withdrawn.

2. Uder, Aiken and Microsoft do not remedy McCormack's failure to describe or suggest the subject matter of claims 1 and 15.

Ulder is cited in the action for disclosing navigation controls comprising tab sets. Aiken is cited in the action for disclosing diagnostics and various types of messages. Microsoft discloses techniques by which a user can configure Microsoft Windows operating system to

automatically reopen windows that were open when the user previously logged off. As such, Uder, Aiken and Microsoft do not remedy the failure of McCormack to describe or suggest the subject matter of independent claims 1 or 15. Nor does the action contend that Ulder, Aiken or Microsoft does so. Accordingly, applicant respectfully requests withdrawal of the rejections of claims 6 and 7, 9-11 and 17 each of which depends from one of claims 1 or 15.

Conclusion and Relief

For at least the reasons noted above and the reasons presented in applicant's prior replies, the rejections of record are clearly improper and without basis. In view of the above, all of the claims are in condition for allowance. A formal notice of allowance is thus respectfully requested.

This request is filed with a Notice of Appeal. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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